



General Assembly

January Session, 2015

Raised Bill No. 7000

LCO No. 5087



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

AN ACT CONCERNING GOVERNMENT ADMINISTRATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 3-125 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) The Attorney General shall appoint a deputy, who shall be
4 sworn to the faithful discharge of his duties and shall perform all the
5 duties of the Attorney General in case of his sickness or absence. He
6 shall appoint such other assistants as he deems necessary, subject to
7 the approval of the Governor. The Attorney General may also appoint
8 not more than four associate attorneys general who will serve at the
9 pleasure of the Attorney General and will be exempt from the
10 classified service.

11 (b) The Attorney General shall have general supervision over all
12 legal matters in which the state is an interested party, except those

13 legal matters over which prosecuting officers have direction. He shall
14 appear for the state, the Governor, the Lieutenant Governor, the
15 Secretary, the Treasurer and the Comptroller, and for all heads of
16 departments and state boards, commissioners, agents, inspectors,
17 committees, auditors, chemists, directors, harbor masters, and
18 institutions and for the State Librarian in all suits and other civil
19 proceedings, except upon criminal recognizances and bail bonds, in
20 which the state is a party or is interested, or in which the official acts
21 and doings of said officers are called in question, and for all members
22 of the state House of Representatives and the state Senate in all suits
23 and other civil proceedings brought against them involving their
24 official acts and doings in the discharge of their duties as legislators, in
25 any court or other tribunal, as the duties of his office require; and all
26 such suits shall be conducted by him or under his direction. All legal
27 services required by such officers and boards in matters relating to
28 their official duties shall be performed by the Attorney General or
29 under his direction. All writs, summonses or other processes served
30 upon such officers and legislators shall, forthwith, be transmitted by
31 them to the Attorney General. All suits or other proceedings by such
32 officers shall be brought by the Attorney General or under the
33 direction of the Attorney General.

34 (c) When any measure affecting the State Treasury is pending before
35 any committee of the General Assembly, such committee shall give
36 him reasonable notice of the pendency of such measure, and he shall
37 appear and take such action as he deems to be for the best interests of
38 the state, and he shall represent the public interest in the protection of
39 any gifts, legacies or devises intended for public or charitable
40 purposes. [All legal services required by such officers and boards in
41 matters relating to their official duties shall be performed by the
42 Attorney General or under his direction. All writs, summonses or other
43 processes served upon such officers and legislators shall, forthwith, be
44 transmitted by them to the Attorney General. All suits or other
45 proceedings by such officers shall be brought by the Attorney General

46 or under his direction.]

47 (d) [He] The Attorney General shall, when required by either house
48 of the General Assembly or when requested by the president pro
49 tempore of the Senate, the speaker of the House of Representatives, or
50 the majority leader or the minority leader of the Senate or House of
51 Representatives, give his opinion upon questions of law submitted to
52 him by either of said houses or any of said leaders. He shall advise or
53 give his opinion to the head of any executive department or any state
54 board or commission upon any question of law submitted to him. The
55 Attorney General shall give an opinion when requested by a business
56 in the state that has a bona fide dispute with a state agency concerning
57 the application of a regulation of such agency. For purposes of this
58 subsection, "agency" and "regulation" have the same meanings as
59 provided in section 4-166. He may procure such assistance as he may
60 require. The Attorney General shall prepare a topical and
61 chronological cross-index of all legal opinions issued by the office of
62 the Attorney General and shall, from time to time, update the same.

63 (e) Whenever a trustee, under the provisions of any charitable trust
64 described in section 45a-514, is required by statute to give a bond for
65 the performance of his duties as trustee, the Attorney General may
66 cause a petition to be lodged with the probate court of the district in
67 which such trust property is situated, or where any of the trustees
68 reside, for the fixing, accepting and approving of a bond to the state,
69 conditioned for the proper discharge of the duties of such trust, which
70 bond shall be filed in the office of such probate court. [The Attorney
71 General shall prepare a topical and chronological cross-index of all
72 legal opinions issued by the office of the Attorney General and shall,
73 from time to time, update the same.]

74 Sec. 2. Section 5-217 of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective July 1, 2015*):

76 The Commissioner of Administrative Services shall specify, at the

77 time any candidate list is promulgated, the period during which such
78 list shall remain in force. In no case shall a candidate list remain in
79 force for a period of less than three months or more than one year,
80 [provided] except (1) such period may be extended not more than [one
81 year] two years by the commissioner as appropriate based upon the
82 needs of the state, [except that extensions concerning] and (2)
83 candidate lists for continuous recruitment examinations shall be based
84 on the needs of the service.

85 Sec. 3. Subsection (b) of section 5-219 of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective July*
87 *1, 2015*):

88 (b) The commissioner may charge any person not employed by the
89 state a reasonable fee for taking an examination, provided such fee
90 shall not exceed the cost of developing and administering such
91 examination. The commissioner may waive any such fee for any
92 person who applies, in the form and manner prescribed by the
93 commissioner, for a waiver of such fee and demonstrates that he or she
94 is financially unable to pay such fee. [The] Before charging any fees
95 authorized by this subsection, the commissioner shall adopt
96 regulations, in accordance with the provisions of chapter 54, to [carry
97 out the purposes of this subsection] establish reasonable fees.

98 Sec. 4. Section 5-227b of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective July 1, 2015*):

100 (a) Examinations for positions may be waived by the Commissioner
101 of Administrative Services under any of the following conditions: (1)
102 Where the possession of a professional license, degree or satisfactory
103 completion of an accreditation, certificate or licensure program is a
104 mandatory requirement for appointment or promotion to a position in
105 state service; (2) where the appointment or promotion to a job
106 classification that is utilized by a single state agency is limited in
107 number and has few vacancies in the professional or managerial series;

108 (3) when the qualifications for a position within the managerial class
109 are so specialized or unique that an examination for a general job
110 classification would not result in a list of candidates possessing such
111 qualifications and would not be cost effective; or (4) when the number
112 of applicants meeting the minimum qualifications for admission to an
113 announced promotional examination is five or less.

114 (b) If the commissioner has granted a waiver of examination in
115 accordance with subsection (a) of this section, the commissioner may
116 delegate to a department head the authority to recruit for such
117 position, provided no delegation plan shall be required for a waiver of
118 examination granted pursuant to subdivision (1) of subsection (a) of
119 this section. [A] For waivers of examination granted pursuant to
120 subdivisions (2) to (4), inclusive, of subsection (a) of this section, the
121 department head shall submit a delegation plan to the commissioner,
122 and the commissioner may grant a full or partial delegation [may be
123 granted] to the department head. [under a] The department head shall
124 obtain the commissioner's approval of the delegation plan [that shall
125 be approved in advance by the commissioner] prior to undertaking
126 any recruitment efforts. Any such delegation plan shall (1) include
127 standards for the posting of positions with a minimum time period of
128 not less than one week; (2) specify the manner in which such notice
129 shall be posted; and (3) specify the procedures for accepting and
130 rejecting applicants based upon the minimum required qualifications.
131 Where the department head has identified a candidate suitable for
132 appointment and prior to making a formal or informal offer of
133 employment, such department head shall submit the application, any
134 supporting documentation for such candidate and the applications of
135 such additional candidates such department head deems eligible for
136 appointment to the commissioner for certification that such preferred
137 candidate has met the minimum qualifications of experience and
138 training as set forth in the job specification. Once written certification is
139 granted, the department head may make an offer of employment to the
140 candidate certified by the commissioner.

141 (c) [All] Any recruitments performed by a department head
142 pursuant to this section [shall] may be subject to post audit by the
143 commissioner.

144 Sec. 5. Subsection (b) of section 31-284a of the general statutes is
145 repealed and the following is substituted in lieu thereof (*Effective July*
146 *1, 2015*):

147 (b) The Commissioner of Administrative Services may exclude from
148 participation in the state workers' compensation managed care
149 program any medical provider found, through a systematic program
150 of utilization review, to exceed generally accepted standards of the
151 scope, duration or intensity of services rendered to patients with
152 similar diagnostic characteristics. [The state shall not make any
153 payment to a facility owned in whole or in part by the referring
154 practitioner.]

155 Sec. 6. Section 1-23 of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective July 1, 2015*):

157 When any person [,] is required to take an oath, [from scruples of
158 conscience declines to take it in the usual form or when the court is
159 satisfied that any person called as a witness does not believe in the
160 existence of a Supreme Being, a solemn affirmation may be
161 administered to him in the form of the oath prescribed, except that
162 instead of the word "swear"] the words ["solemnly and sincerely affirm
163 and declare"] "solemnly swear" or "sincerely affirm and declare", as the
164 case may be, shall be used and [instead of] the oath shall conclude with
165 the words "so help you God" [the words] or "upon the pains and
166 penalties of perjury or false statement" as the case may be. [shall be
167 used.]

168 Sec. 7. Section 1-25 of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective July 1, 2015*):

170 The forms of oaths shall be as follows, to wit:

171 FOR MEMBERS OF THE GENERAL ASSEMBLY, EXECUTIVE
172 AND JUDICIAL OFFICERS.

173

174 You do solemnly swear (or affirm, as the case may be) that you will
175 support the Constitution of the United States, and the Constitution of
176 the state of Connecticut, so long as you continue a citizen thereof; and
177 that you will faithfully discharge, according to law, the duties of the
178 office of to the best of your abilities; so help you God.

179 FOR NOTARIES PUBLIC.

180 You do solemnly swear (or sincerely affirm and declare, as the case
181 may be) that you will support the Constitution of the United States,
182 and the Constitution of the state of Connecticut; and that you will
183 faithfully discharge, according to law, the duties of the office of notary
184 public to the best of your abilities; so help you God (or upon the pains
185 and penalties of perjury or false statement).

186 FOR ELECTORS.

187 You solemnly swear (or sincerely affirm and declare, as the case
188 may be) that you will be true and faithful to the constitutions and
189 governments of the State of Connecticut and the United States of
190 America; that the statements made in your application for admission
191 as an elector are true and complete; and that your privileges as an
192 elector are not forfeited by reason of conviction of a felony; so help you
193 God (or upon the pains and penalties of perjury or false statement).

194 FOR ATTORNEYS.

195 You solemnly swear (or [solemnly and] sincerely affirm and declare,
196 as the case may be] [,] that you will do nothing dishonest, and will not
197 knowingly allow anything dishonest to be done in court, and that you
198 will inform the court of any dishonesty of which you have knowledge;
199 that you will not knowingly maintain or assist in maintaining any
200 cause of action that is false or unlawful; that you will not obstruct any

201 cause of action for personal gain or malice; but that you will exercise
202 the office of attorney, in any court in which you may practice,
203 according to the best of your learning and judgment, faithfully, to both
204 your client and the court; so help you God (or upon the pains and
205 [penalty] penalties of perjury or false statement).

206 FOR PETIT JURORS IN CRIMINAL CAUSES.

207 You solemnly swear (or [solemnly and] sincerely affirm and declare,
208 as the case may be) [,] that you will, without respect of any persons or
209 favor of any person, decide this case between the state of Connecticut
210 and the defendant (or defendants) based on the evidence given in
211 court and on the laws of this state, as explained by the judge; that you
212 will not talk to each other about this case until instructed to do so; that
213 you will listen to and consider what the other jurors have to say in
214 deliberations about this case; that you will not speak to anyone else, or
215 allow anyone else to speak to you, about this case until you have been
216 discharged by the court; and that when you reach a decision, you will
217 not disclose the decision until it is announced in court; so help you
218 God (or upon the pains and [penalty] penalties of perjury or false
219 statement).

220 FOR ALTERNATE JURORS IN CRIMINAL CAUSES.

221 You solemnly swear (or [solemnly and] sincerely affirm and declare,
222 as the case may be) [,] that, if you become a member of the jury for this
223 case, you will, without respect of any persons or favor of any person,
224 decide this case between the state of Connecticut and the defendant (or
225 defendants) based on the evidence given in court and on the laws of
226 this state, as explained by the judge; that you will not talk to each other
227 about this case until instructed to do so; that you will listen to and
228 consider what the other jurors have to say in deliberations about this
229 case; that you will not speak to anyone else, or allow anyone else to
230 speak to you about this case until you have been discharged by the
231 court; and that when you reach a decision, you will not disclose the

232 decision until it is announced in court; so help you God (or upon the
233 pains and [penalty] penalties of perjury or false statement).

234 FOR JURORS IN CIVIL CAUSES.

235 You solemnly swear (or [solemnly and] sincerely affirm and declare,
236 as the case may be) [,] that you will decide this case between the
237 plaintiff and the defendant (or plaintiffs and defendants) based on the
238 evidence given in court and on the laws of this state as explained by
239 the judge; that you will not talk to each other about this case until
240 instructed to do so; that you will listen to and consider what the other
241 jurors have to say in deliberations about this case; that you will not
242 speak to anyone else, or allow anyone else to speak to you, about this
243 case; and that when you reach a decision, you will not disclose the
244 decision until it is announced in court; so help you God (or upon the
245 pains and [penalty] penalties of perjury or false statement).

246 FOR ALTERNATE JURORS IN CIVIL CAUSES.

247 You solemnly swear (or [solemnly and] sincerely affirm and declare,
248 as the case may be) [,] that, if you become a member of the jury for this
249 case, you will decide this case between the plaintiff and the defendant
250 (or plaintiffs and defendants) based on the evidence given in court and
251 on the laws of this state as explained by the judge; that you will not
252 talk to each other about this case until instructed to do so; that you will
253 listen to and consider what the other jurors have to say in deliberations
254 about this case; that you will not speak to anyone else, or allow anyone
255 else to speak to you, about this case; and that when you reach a
256 decision, you will not disclose the decision until it is announced in
257 court; so help you God (or upon the pains and [penalty] penalties of
258 perjury or false statement).

259 VOIR DIRE.

260 You solemnly swear (or [solemnly and] sincerely affirm and declare,
261 as the case may be) [,] that you will answer truthfully all questions that

262 you are asked, none of which will be about the merits of the case for
263 which the jury is being selected; so help you God (or upon the pains
264 and [penalty] penalties of perjury or false statement).

265 FOR WITNESSES.

266 You solemnly swear (or [solemnly and] sincerely affirm and declare,
267 as the case may be) [,] that the evidence you shall give concerning this
268 case shall be the truth, the whole truth and nothing but the truth; so
269 help you God (or upon the pains and [penalty] penalties of perjury or
270 false statement).

271 FOR INVESTIGATORY GRAND JURY WITNESSES.

272 You solemnly swear (or [solemnly and] sincerely affirm and declare,
273 as the case may be) [,] that the evidence you shall give concerning this
274 investigation into the commission of a crime or crimes, shall be the
275 truth, the whole truth and nothing but the truth; so help you God (or
276 upon the pains and [penalty] penalties of perjury or false statement).

277 FOR WITNESSES TWELVE YEARS OF AGE OR YOUNGER.

278

279 You promise that you will tell the truth.

280

281 FOR AN INTERPRETER IN A CRIMINAL CASE.

282

283 You solemnly swear (or [solemnly and] sincerely affirm and declare,
284 as the case may be) [,] that you will interpret accurately the
285 information (or indictment) that charges the accused with a crime and
286 all questions that the accused may be asked under the direction of the
287 court in a language the accused can understand and speak; that you
288 will interpret accurately the pleas of the accused to the information (or
289 indictment) and the answers of the accused to the court (or to the court
290 and jury) in English; and that you will make all interpretations to the
291 best of your skill and judgment; so help you God (or upon the pains
292 and [penalty] penalties of perjury or false statement).

293 FOR AN INTERPRETER IN COURT.

294 You solemnly swear (or [solemnly and] sincerely affirm and declare,
295 as the case may be) [,] that you will interpret accurately the oath to be
296 administered to the witness and all questions that the witness may be
297 asked under direction of the court in a language the witness can
298 understand and speak; that you will interpret accurately the answers
299 of the witness to the court (or to the court and jury) in English; and that
300 you will make all interpretations to the best of your skill and
301 judgment; so help you God (or upon the pains and [penalty] penalties
302 of perjury or false statement).

303 FOR AN INTERPRETER FOR A DEAF
304 OR HEARING IMPAIRED JUROR.

305
306 You solemnly swear (or [solemnly and] sincerely affirm and declare,
307 as the case may be) [,] that you will interpret accurately to a deaf or
308 hearing impaired juror the juror orientation program, any oath to be
309 administered to the juror, all testimony and other relevant
310 conversation, and all questions that the juror may be asked under the
311 direction of the court; that you will interpret accurately the answers of
312 the juror to the court in English; that you will not participate in any
313 manner in the deliberations of the jury other than making an accurate
314 interpretation of the remarks of the jurors during deliberations; that
315 you will make all interpretations to the best of your skill and
316 judgment; and that you will not communicate with anyone outside the
317 jury concerning the business or matters before the jury; so help you
318 God (or upon the pains and [penalty] penalties of perjury or false
319 statement).

320 FOR ASSESSORS, TO SUBSCRIBE UPON ABSTRACT.

321 I, ..., assessor of the town of ..., do solemnly swear (or [solemnly
322 and] sincerely affirm and declare, as the case may be) [,] that I believe
323 that all the lists, and the abstract of said town for the year 20., are

324 made up and perfected according to law; so help me God (or upon the
325 pains and [penalty] penalties of perjury or false statement).

326 FOR PLAINTIFF, WHEN INDIFFERENT PERSON IS
327 AUTHORIZED TO SERVE WRIT.

328

329 You solemnly swear (or [solemnly and] sincerely affirm and declare,
330 as the case may be) [,] that you believe the plaintiff is (or plaintiffs are)
331 in danger of losing the debt (damage or other thing) in this writ, unless
332 an indifferent person is authorized to immediately serve this writ; so
333 help you God (or upon the pains and [penalty] penalties of perjury or
334 false statement).

335 FOR MEMBERS OF A COURT-MARTIAL.

336 You solemnly swear (or sincerely affirm and declare, as the case
337 may be) that you will truly try and determine, according to the
338 evidence given in court, the matters depending between this state and
339 the officer (or officers) now to be tried; that you will not divulge the
340 sentence of the court until the same shall have been approved or
341 disapproved, according to law; neither will you, at any time, disclose
342 the vote or opinion of any member of the court, unless required by due
343 course of law; so help you God (or upon the pains and penalties of
344 perjury or false statement).

345 FOR THE JUDGE-ADVOCATE OF A COURT-MARTIAL.

346 You solemnly swear (or sincerely affirm and declare, as the case
347 may be) that you will not, at any time whatever, disclose the vote or
348 opinion of any member of any court-martial in which you may be
349 called to act, unless required by due course of law, nor divulge the
350 sentence of any such court, unless the same shall have been approved
351 or disapproved, according to law; and that you will faithfully and
352 impartially do the duty of judge-advocate, according to your best
353 ability; so help you God (or upon the pains and penalties of perjury or
354 false statement).

355 FOR OFFICIALS APPOINTED TO SERVE IN ANY POLLING
356 PLACE IN ANY ELECTION OR PRIMARY.

357

358 You solemnly swear (or sincerely affirm and declare, as the case
359 may be) that you will faithfully discharge, according to law, your
360 duties as, to the best of your ability; and that you will serve in this
361 election or primary as the case may be, as an official, completely
362 impartial with respect to any candidate or any political party; so help
363 you God (or upon the pains and penalties of perjury or false
364 statement).

365 FOR ALL OTHER PERSONS OF WHOM AN OATH IS REQUIRED.

366 You solemnly swear (or [solemnly and] sincerely affirm and declare,
367 as the case may be) [,] that you will faithfully discharge, according to
368 law, your duties as to the best of your abilities; so help you God (or
369 upon the pains and [penalty] penalties of perjury or false statement).

370 Sec. 8. Section 28-12 of the general statutes is repealed and the
371 following is substituted in lieu thereof (*Effective July 1, 2015*):

372 No person shall be employed or associated in any capacity in any
373 civil preparedness organization established under this chapter who
374 advocates a change by force or violence in the constitutional form of
375 the government of the United States or of this state or the overthrow of
376 any government in the United States by force or violence, or who has
377 been convicted of or is under indictment or information charging any
378 subversive act against the United States. Each person who is appointed
379 to serve in an organization for civil preparedness shall, before entering
380 upon his duties, and annually thereafter, take an oath orally before a
381 local civil preparedness officer or officers empowered by the
382 commissioner to enlist volunteers, which oath shall be substantially as
383 follows: "I,, do solemnly swear (or sincerely affirm and declare) that
384 I will support and defend the Constitution of the United States and the
385 Constitution of the state of Connecticut, against all enemies, foreign

386 and domestic; that I will bear true faith and allegiance to the same; that
 387 I take this obligation freely, without any mental reservation or purpose
 388 of evasion; and that I will well and faithfully discharge the duties upon
 389 which I am about to enter." Each local civil preparedness officer shall
 390 provide to the department a roster of sworn volunteer civil
 391 preparedness force members on or before the fifteenth of August each
 392 year.

393 Sec. 9. Subdivision (7) of section 3-94a of the general statutes is
 394 repealed and the following is substituted in lieu thereof (*Effective July*
 395 *1, 2015*):

396 (7) "Oath" or "affirmation" means a notarial act or part thereof in
 397 which a notary public certifies that a person has made a vow in the
 398 presence of the notary public on penalty of perjury. In the case of an
 399 oath, the vow shall [include reference to a Supreme Being unless an
 400 affirmation is administered as provided] conform with the wording
 401 prescribed by [section] sections 1-23, as amended by this act, and 1-24,
 402 as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	3-125
Sec. 2	<i>July 1, 2015</i>	5-217
Sec. 3	<i>July 1, 2015</i>	5-219(b)
Sec. 4	<i>July 1, 2015</i>	5-227b
Sec. 5	<i>July 1, 2015</i>	31-284a(b)
Sec. 6	<i>July 1, 2015</i>	1-23
Sec. 7	<i>July 1, 2015</i>	1-25
Sec. 8	<i>July 1, 2015</i>	28-12
Sec. 9	<i>July 1, 2015</i>	3-94a(7)

Statement of Purpose:

To require the attorney general to issue opinions when requested by businesses who have a dispute with state agencies regarding regulations, to make changes to the State Personnel Act, including to permit the extension of candidate lists for two years and to clarify

when an agency delegation plan is required, to delete a prohibition for certain payments to referring providers under the Workers' Compensation program and to modify the form of required oaths and affirmations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]